

United States District Court
Eastern District of Virginia
Norfolk, Virginia 23510

Chambers of
Rebecca Beach Smith
Senior United States District Judge

November 30, 2023

Anthony El-Khoury, M.D.
1702 Cape Palos Drive
Melbourne, Florida 32935

Re: R.M.S. Titanic, Inc. v. The Wrecked & Abandoned Vessel
Civil Case No.: 2:93cv902

Dear Dr. El-Khoury:

The Court received your undated letter by certified mail on November 29, 2023. Your letter states that you are "a researcher and peer-reviewed published scientist. One of [your] research projects requires information within one artifact recovered by RMSTI¹ a small diary belonging to Howard Irwin, whose written entries were transcribed. A descendant family member, Mrs. Barbara Shuttle, has granted [you] permission to view and learn from the artifact's transcription." You also referred to proposed covenants specifying conditions or limitations of the salvage award, pursuant to the Court's Order dated April 15, 2008. ECF No. 293 at 6 n.12.

Your letter also included copies of emails between you and RMSTI. The first email is titled "Your Request," sent to you by Jessica Sanders, President, RMSTI, dated July 29, 2021. Then, there is a three-page email exchange titled "Howard Irwin Journal," initially sent by you to Ms. Klingelhofer, former Director of Collections with RMSTI, dated September 27, 2023, which then included several subsequent messages between you and Tomasina Ray, current Director of Collections with RMSTI. The emails also reference telephone conversations between you and Ms. Ray. Moreover, it appears from the latest response from Ms. Ray, by email dated November 13, 2023, that RMSTI is working with limited resources and a fragile document to meet your request. She states that "an internal project in progress to publish a resource on the

¹ The letter refers to RMS Titanic, Inc. as "RMSTI."

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journal that you and other researchers would be able to use as a primary source as you had requested. We are taking the time to ensure the information is complete, correct and presented respectfully."

The Court is understanding of your endeavors to research the legacy of the R.M.S. Titanic, as well as RMSTI's preservation responsibility and needed safeguards for the salvaged artifacts. Therefore, the Court will mail copies of your letter and attachments to counsel of record for RMSTI for their review and any further comments.

Very truly yours,

A handwritten signature in black ink that reads "Rebecca Beach Smith". The signature is written in a cursive, flowing style.

Rebecca Beach Smith

RBS/erb

cc: Brian A. Wainger, Esquire
RMST
(w/enclosures)

David G. Barger, Esquire
RMST
(w/enclosures)